

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)	MDL No. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Master File No. 01-cv-12257-PBS
)	
)	Subcategory No. 06-11337-PBS
)	Civil Action No. 08-cv-10852
THIS DOCUMENT RELATES TO:)	
<i>United States of America ex rel. Ven-A-</i>)	Judge Patti B. Saris
<i>Care of the Florida Keys, Inc., by and</i>)	
<i>through its principal officers and directors,</i>)	
<i>Zachary T. Bentley and T. Mark Jones v.</i>)	
<i>Actavis Mid Atlantic LLC, et al.</i>)	

**JOINT MOTION TO EXTEND THE 90-DAY ORDER OF DISMISSAL
AS TO DEFENDANTS PAR PHARMACEUTICAL, INC. AND
PAR PHARMACEUTICAL COMPANIES, INC.**

The Relator Ven-a-Care of the Florida Keys, Inc., and Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (collectively “Par”), (the Relator and Par collectively “the Parties”) hereby move the Court to extend the 90-day Order of Dismissal of May 27, 2011 (Doc. # 178), to allow the Parties an additional time to file the necessary papers with the Court before the Order of Dismissal becomes final.

At a hearing on May 24, 2011, the Parties reported to the Court that they had reached agreements in principle on settlements of the actions against Par. However, the parties reported it would take some time to draft and negotiate the details of the settlement documents, to secure the written consent of the United States and to seek the Court’s written consent as required by 31 U.S.C § 3730(b). Thereupon the Court entered an Order of Dismissal on May 27, 2011 allowing the parties 90 days to finalize the settlement. Doc. #178. The 90-day period expires Thursday, August 25, 2011.

In the time since May 24, counsel for the Parties have negotiated diligently and in good faith on the terms of the settlement agreement and related documents and worked closely with the United States to obtain the United States' consent to the settlement. The Parties have signed the settlement agreement and received the requisite formal written United States' consent. However, the Parties need additional time to comply with the terms of the settlement agreement and file the necessary documents with the Court. The Parties do not anticipate problems finalizing the settlement and filing all necessary documents with the Court by September 2, 2011.

For the foregoing reasons, the Parties request that the Court modify its 90-day Order of Dismissal of May 27, 2011 to allow the Parties up to and including September 2, 2011 to file the requisite documents with the Court seeking dismissals with prejudice pursuant to their settlements.

Dated: August 23, 2011

Respectfully submitted,

ATTORNEYS FOR THE
RELATOR, VEN-A-CARE OF
THE FLORIDA KEYS, INC.

/s/Alison W. Simon
ALISON W. SIMON, P.A.
Alison W. Simon
Florida Bar No. 0109568
P. O. Box 430457
MIAMI, FL 33243
Phone: 305-663-2433
Fax: 305-665-1508

THE BREEN LAW FIRM, P.A.
James J. Breen
Florida Bar No. 0297178
5755 Northpoint Parkway
Suite 260
Alpharetta, GA 30022
Phone: 770-740-0008
Fax: 770-740-9109

ATTORNEYS FOR THE DEFENDANTS
PAR PHARMACEUTICAL, INC. AND
PAR PHARMACEUTICAL COMPANIES,
INC.

Paul K. Dueffert
Williams & Connolly LLP
725 12th Street, N. W.
Washington, D.C. 20005
Phone: 202-434-5097
Fax: 202-434-5029
pdueffert@wc.com

CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of August, 2011 caused an electronic copy of the above PAR PHARMACEUTICAL, INC. AND PAR PHARMACEUTICAL COMPANIES, INC. to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Alison W. Simon
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